

REMARKS

Applicants have received and carefully reviewed the Office Action mailed May 1, 2007. Reconsideration and allowance of the pending claims are respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 46 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Information Disclosure Statement

Applicants filed an Information Disclosure Statement December 27, 2006 listing 24 references. An initialed copy of the reference list has not been received. The Examiner is respectfully requested to consider the references, initial and return a copy of the reference list with the next Office Action.

Rejections under 35 U.S.C. § 102(b)

Claims 44, 45, and 47-57 are rejected as being anticipated by Murdock. The Examiner asserts that Murdock teaches a device having an arcuate guide 40 which is inherently having an elongate length along a portion of the elongated body that is able to move from its contracted condition to its expanded condition. Applicants respectfully disagree.

Independent claim 44 recites, in part, "an arcuate guide having an elongate length, a first end and a second end along which a portion of the elongate body is moveable from its contracted condition to its expanded condition, the arcuate guide extending generally in the direction of expansion between the contracted and expanded conditions." Emphasis added. Murdock does not appear to teach such a structure. The Examiner asserts the cam ring 40 of Murdock is equivalent to the arcuate guide recited in the claims. The cam ring 40 of Murdock does not appear to have an elongate length, a first end and a second end along which a portion of the elongate body is moveable, and to be extending generally in the direction of expansion between the contracted and expanded conditions. Murdock teaches:

a rigid cam ring 40 that is constantly in camming engagement with the spaced apart cammable surfaces of a circular series of rigid clips 41 which are of recurvate or hairpin shape and fixed respectively on the inside surfaces of the blades 33. The U-shaped portions of all the clips 41 are engaged by the single camming ring 40 at a point in the length of the instrument spaced sufficiently far from the socket member 16 of the pivotal joint to effect simultaneous flexure of each blade in its portion between the camming ring and the socket member.

Emphasis added; see column 4, lines 19-29. Murdock specifically teach element 40 as a cam ring. Applicants submit that the structure of the cam ring 40 appears to be a continuous structure and thus cannot be considered to have first and second ends as is recited in the claims. FIGS. 4-5 of Murdock show the relationship between the cam ring 40, clips 41, and the blades 33 in the contracted position (FIG. 4) and the expanded position (FIG. 5). The figures and description of Murdock appear to show that the cam ring 40 presses against the clips 41, causing contraction of the blades 33 (FIG. 4) and slides back, causing expansion of the blades 33 (FIG. 5). The cam ring 40 of Murdock appears to be constantly in contact with the clips 41. The cam ring 40 of Murdock does not appear to have an elongate length along which a portion of the elongate body is moveable from a contracted condition to an expanded condition, and to be extending generally in the direction of expansion between the contracted and expanded conditions. Rather, Murdock appears to teach the cam ring 40 sliding back and forth along the clips 41, however, no portion of the elongate body appears to be moveable along an elongate length of the cam ring, with the arcuate guide extending generally in the direction of expansion between the contracted and expanded conditions. Further, as the continuous ring structure of Murdock's cam ring 40 does not have first and second ends, the cam ring 40 cannot be interpreted as an arcuate guide "having a first end and a second end along which a portion of the elongate body is moveable," as is recited in claim 44.

Independent claim 50 recites, in part, "a guiding mechanism comprising a curved elongate portion extending in a generally transverse direction along which a portion of the elongate body is moveable from its contracted condition to its expanded condition". Emphasis added. Murdock does not appear to teach such a structure. The Examiner appears to be equating the clips 41 of Murdock with the guiding mechanism comprising a curved elongate portion recited in the claims. As shown in FIGS. 4-5 of Murdock, the clips 41 do not

appear to extend in a transverse direction and a portion of the elongate body does not appear to be moveable along a curved elongate portion of the clips 41. Rather, Murdock teaches "rigid clips 41 which are of recurvate or hairpin shape and fixed respectively on the inside surfaces of the blades 33." See column 4, lines 21-23. The portion of the elongate body of Murdock that is moveable from a contracted condition to an expanded condition appears to be the blades 33, which are fixed to the clips 41. The clips 41 thus cannot be seen to have a curved elongate portion along which a portion of the elongate body is moveable, as is recited in the claims.

For at least the reasons set forth above, Murdock does not appear to teach each and every element of the independent claims 44 and 50 and the claims dependent thereon. Murdock thus cannot be seen to anticipate the claims. Further, there is no suggestion or motivation for one of ordinary skill in the art to modify the device of Murdock to achieve the device as claimed. Reconsideration and withdrawal of the rejection are respectively requested.

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,
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By his attorney,

Date:

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